

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHNNY CURTIS PALMER,

Plaintiff,

v.

SUPERIOR COURT OF SAN
BERNARDINO COUNTY, et al.,

Defendants.

No. 1:21-cv-01807 JLT EPG (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
THE ACTION

(Doc. 11)

Johnny Palmer is a state prisoner and asserts the duration of his confinement was extended by errors in calculating his sentence and counting his credits. (Doc. 1.) The assigned magistrate judge reviewed the complaint and noted Plaintiff was “directly challenging the validity of the duration of his confinement.” (Doc. 11 at 7.) The magistrate judge found these “claims are barred by the favorable termination rule,” and may only be raised through a petition of habeas corpus. (*Id.*) Therefore, the magistrate judge recommended the action be dismissed. (*Id.* at 8.)

Plaintiff was granted 21 days to file any objections to the Findings and Recommendations of the magistrate judge. (Doc. 11 at 8.) In addition, Plaintiff was “advised that failure to file objections within the specified time may result in the waiver of rights on appeal.” (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014); *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991).) The deadline to file objections has passed, and Plaintiff has not filed

1 objections or otherwise responded to the Findings and Recommendations.

2 According to 28 U.S.C. § 636(b)(1)(C), this Court conducted a *de novo* review of the case.

3 Having carefully reviewed the entire file, the Court concludes the Findings and

4 Recommendations are supported by the record and by proper analysis. Thus, the Court

5 **ORDERS:**

- 6 1. The Findings and Recommendations issued on March 28, 2022 (Doc. 11), are
7 adopted in full.
8 2. This action is DISMISSED.
9 3. The Clerk of Court is directed to close this case.

10 IT IS SO ORDERED.
11

12 Dated: May 2, 2022


UNITED STATES DISTRICT JUDGE